Case 5:05-cr-00288-RMW Document 31 Filed 05/11/06 Page 1 of 4 1 BARRY J. PORTMAN Federal Public Defender LARA S. VINNARD 2 Assistant Federal Public Defender 3 160 West Santa Clara Street, Suite 575 San Jose, CA 95113 Telephone: (408) 291-7753 4 5 Counsel for Defendant PONCE 6 7 IN THE UNITED STATES DISTRICT COURT 8 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA *E-FILED - 5/11/06* 10 SAN JOSE DIVISION 11 UNITED STATES OF AMERICA, No. CR 05-00288 RMW 12 Plaintiff, STIPULATION TO CONTINUE **HEARING AND EXCLUDE TIME;** 13 **ORDER** v. 14 MARIO PONCE, 15 Defendant. 16 Defendant and the government, through their respective counsel, hereby stipulate that, 17 18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for 19 Monday, May 8, 2006, at 9:00 a.m., be continued to Monday, June 12, 2006, at 9:00 a.m. The defense requests the continuance on the following grounds: Mr. Ponce is represented by Phil 20 21 Vaughns, Esq., in proceedings in Santa Clara Superior Court to obtain post-conviction relief on 22 the felony conviction that rendered him deportable. The motion filed by Mr. Vaughns was 23 denied on technical grounds, and he is seeking reconsideration of the ruling. 24 The parties further agree that time should be excluded under the Speedy Trial Act because 25 the defense requires time for investigation and preparation, and the ends of justice outweigh the 26 defendant's and the public's need for a speedy trial. STIPULATION TO CONTINUE

STIPULATION TO CONTINUE HEARING DATE No. CR 05-00288 RMW

Case 5:05-cr-00288-RMW Document 31 Filed 05/11/06 Page 2 of 4 Dated: 5/5/06 /s/LARA S. VINNARD Assistant Federal Public Defender Dated: 5/5/06 /s/SUSAN KNIGHT Assistant United States Attorney STIPULATION TO CONTINUE HEARING DATE No. CR 05-00288 RMW

	Case 5:05-cr-00288-RMW D	ocument 31	Filed 05/11/06	Page 3 of 4		
1						
2						
3						
4						
5						
6						
7	IN THE UNITED STATES DISTRICT COURT					
8	FOR THE NORTHERN DISTRICT OF CALIFORNIA					
9	SAN JOSE DIVISION					
10	UNITED STATES OF AMERICA	,)	No. CR 05-002	88 RMW		
11	Plaintiff, v.)	ORDER CON HEARING	TINUING		
12	MARIO PONCE,	j)))			
13	Defendant.	j				
14						
15	The parties have jointly requested a continuance of the hearing set for June 12, 2006,					
16	on grounds that the defense is continuing to investigate whether Mr. Ponce may be able to					
17	restore his immigration status based on possible defects in the felony conviction that provided					
18	grounds for his removal from the United States.					
19	GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date					
20	presently set for May 8, 2006, be continued to Monday, June 12, 2006, at 9:00 a.m.					
21	Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time					
22	from May 8, 2006, to Monday, June 12, 2006, shall be excluded from the period of					
23	time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.					
24						
25	Dated: 5/11/06		/s/ Ronald M.			
26			RONALD M. United States I			
	ORDER CONTINUING HEARING No. CR 05-00288 RMW	3				

	Case 5:05-cr-00288-RMW	Document 31	Filed 05/11/06	Page 4 of 4
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
	ORDER CONTINUING HEARING No. CR 05-00288 RMW	2	ļ	